



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 6975-98
17 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) DFAS memorandum DFAS-HQ/DG of 29 Apr 1996
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner is entitled to Basic Allowance for Quarters (BAQ) and Variable Housing Allowance (VHA) at the single rate.

2. The Board, consisting of Messrs. Chapman, Morgan, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 16 February 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. On 1 October 1997, which was the date Petitioner reported to SIMA, Norfolk, VA, he recertified his entitlement to BAQ and VHA at the single rate.

b. BuPers order 2977 issued 24 October 1997 were modified on 28 October 1997 to send Petitioner on Temporary Duty Under Instruction (TEMDUINS) to STU NAVDIVESALVTRACEN, Panama City, FL for temporary duty for approximately 13 days reporting no later than 4 November 1997. Orders were modified to include Petitioner would continue on TAD as STU NAVDIVESALVTRACEN for duty under instruction for approximately 139 days reporting no later than 18 November 1997. Upon completion to TEMDUINS Petitioner will return to SIMA, Norfolk, VA. The orders were modified to send the Petitioner "TEMDUINS" vice "PCS".

c. BuPers order 0558, issued 14 February 1998 is null and void.


d. Petitioner certified that his quarters located at 5301 Justin Court, Virginia Beach, VA 23462 will be rented by himself and his wife (military member who as assigned to sea duty) during the TEMDUINS assignment so they can be reoccupied after the TEMDUINS period. The lease Petitioner signed for the quarters was effective for the period of TEMDUINS.

e. Under the Provisions of DFAS-HQ/DG letter of 29 April 1996 and CNO message 241231Z APR 97 Petitioner is authorized BAQ and VHA at the single rate for the period 1 October 1997 through 30 April 1998, copy of letter and message are attached.

f. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.


ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

Docket No: 6975-98

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

17 February 2000



W. DEAN PFEIFFER
Executive Director